

REMARKS

Record is made to a telephonic interview between the undersigned applicants' attorney and Examiner Khanh Tran which took place on November 16, 2005. The Examiner is thanked for courtesies extended to applicants' attorney during the telephonic interview.

As pointed out by applicants' attorney during the telephonic interview, the Office Action dated September 29, 2005 does not take into account applicants' Preliminary Amendment, which was contemporaneously filed with the Continued Prosecution Application (CPA) on November 8, 2002. After reviewing his file of the present application, the Examiner acknowledged that based on the USPTO mail room stamped post card receipt for the CPA, a Preliminary Amendment was filed with the CPA but owing to an error by the USPTO, the Preliminary Amendment is not included in his application file, which is entirely in electronic form. Moreover, the Examiner agreed that the Office Action dated September 29, 2005 is invalid for the reason that it is not an action on applicants' claims, as amended by a proper Preliminary Amendment. Therefore, Examiner Tran requested that applicants file an appropriate response indicating the invalidity of the September 29, 2005 Office Action, and attaching true copies of the post card receipt for the CPA and the Preliminary Amendment filed therewith, so that he can issue a new non-final Office Action on the claims actually pending as a result of the Preliminary Amendment. The period for filing a response to the new non-final Office Action will be set to start on the mailing date of the new Office Action.

In accordance with the Examiner's request, attached hereto is a true copy of the Preliminary Amendment filed with the CPA on November 8, 2002, as well as a true copy of the post card receipt for the CPA stamped by the USPTO mail room, indicating a Preliminary Amendment was filed therewith.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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